

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
April 12, 2022
7:00 p.m.

Minutes

The meeting was open to individuals to attend in-person or virtually via Zoom.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Attendance:

In-person: Aldermen: Rich Lintz, Bridget McAndrew, Susan Buse, Becky Patel, Gary Feder, Mayor Harris, City Manager Gipson, and City Attorney O'Keefe.

Virtually: Alderman Ira Berkowitz.

Absent: Alderman Rich Lintz

Motion made by Alderman McAndrew to approve the March 29, 2022 minutes. Alderman Buse seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Mayor Harris acknowledged the loss of Michael Niedorff, CEO of Centenne.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO SECTION 405.1370, PLANNED UNIT DEVELOPMENT DISTRICT, REGARDING FIRST FLOOR USES WITHIN MIXED-USE BUILDINGS, AND CLARIFY OTHER PROVISIONS

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to solicit input regarding proposed amendments to Chapter 405 (Zoning Regulations) Article X (Planned Unit Development District) to consider adopting an amendment to regarding first-floor uses within mixed-use buildings and clarify other provisions within the ordinance.

The Board of Aldermen discussed the feasibility and impact of the requirement of first-floor retail uses for all mixed-use Planned Unit Developments (PUD) at the March 15, 2022, Board of Aldermen meeting. The PUD regulations currently state "the first floor of any mixed-use building shall be dedicated to commercial land uses." The ordinance defines commercial land uses as "retail, restaurant, entertainment venues, etc." Under the current regulation, any first floor uses other than retail, restaurant, or entertainment uses are prohibited.

Given the Board's stated desire to align regulations with market realities and allow greater flexibility within mixed-use buildings, staff has drafted revisions to the PUD regulations that would require commercial uses to be included on the first floor, but not require the entire first floor be dedicated to commercial uses. This would allow office, residential, or other non-commercial land use categories to be considered as acceptable first floor uses in future projects. The revisions would give the Board of Aldermen clear discretion to determine a reasonable ratio of uses to be located within a mixed-use PUD.

Staff has also taken this opportunity to clarify or restate other provisions within the PUD ordinance. These changes are not substantive and only intended to aid in the interpretation and enforcement of the requirements.

The Plan Commission considered this request at the April 4, 2022, Plan Commission Meeting and voted to recommend approval to the Board of Aldermen.

Mayor Harris closed the public hearing.

Alderman Berkowitz introduced Bill No. 6894, an amendment to Section 405.1370, Planned Unit Development District to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6894, first reading, an Ordinance Amending Section 405.1370 of the Municipal Code of the City of Clayton, Missouri, Regarding General Requirements for Planned Unit Developments by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6894 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6894, an amendment to Section 405.1370, Planned Unit Development District to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6894, second reading, an Ordinance Amending Section 405.1370 of the Municipal Code of the City of Clayton, Missouri, Regarding General Requirements for Planned Unit Developments by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6753 of the City of Clayton.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO SECTION 405.1190 OF ARTICLE IX, SPECIAL DEVELOPMENT DISTRICT, BY ADDING AN ADDITIONAL PUBLIC BENEFIT FOR CONSIDERATION BY THE PLAN COMMISSION AND BOARD OF ALDERMEN

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing to solicit input regarding a proposed amendment to Chapter 405 (Zoning Regulations) Article IX (Special Development District) related to the inclusion of an additional public benefit.

Both the Planned Unit Development District (PUD) and Special Development District (SDD) regulations have requirements for the provision of public benefits in exchange for flexibility from traditional zoning restrictions. The current PUD regulations pertaining to public benefits consist of a point system with clearly defined public benefits and values for each enhancement, whereas the SDD regulations do not consist of a point system but instead list general acceptable public benefits.

When the PUD regulations were revised in 2019 to allow for the current point-based system, it included a point category for the enhancement of off-site City-owned parks or public facilities, and the installation of streetscape meeting city standards. The SDD public benefit section does not make any specific reference to these types of enhancements or facilities. The Board of Aldermen discussed this discrepancy in January of 2022 and proposed legislation to add the following language to the list of SDD public benefits (Section 405.1190):

Enhancements to off-site City owned parks or other Public Facilities such as the replacement of recreation related facilities or the installation of streetscape meeting city standards where none currently exists.

The Plan Commission considered this request at the March 21, 2022, Plan Commission Meeting and voted to recommend approval to the Board of Aldermen.

Alderman Buse noted a correction in the ordinance.

Mayor Harris closed the public hearing.

Alderman Berkowitz introduced Bill No. 6895, to approve an amendment to Section 405.1190, relating to public benefits in Special Development Districts to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O'Keefe reads Bill No. 6895, first reading, an Ordinance Amending Section 405.1190 of the Municipal Code of the City of Clayton, Missouri, Relating to Public Benefits in Special Development Districts by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Buse to amend Bill No. 6895 by correcting Section 405.1190, Subsection 7 to read "...reduced sale price or rents...". Alderman Patel seconded.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6895, as amended, on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6895, to approve an amendment to Section 405.1190, relating to public benefits in Special Development Districts and to include the amendment to Subsection 7 to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6895, second reading, as amended, an Ordinance Amending Section 405.1190 of the Municipal Code of the City of Clayton, Missouri, Relating to Public Benefits in Special Development Districts by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6754 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE REAPPOINTMENTS OF CERTAIN SUCCESSORS TO THE BOARD OF DIRECTORS OF THE 7730 BONHOMME COMMUNITY IMPROVEMENT DISTRICT (CID)

City Manager Gipson reported that on March 24, 2020 the City of Clayton created the 7730 Bonhomme Community Improvement District (CID) for the property located at 7730 Bonhomme Avenue, now operating as a Le Meridian Hotel. The CID imposes an additional 1% sales tax on the hotel (including hotel room, restaurant and gift shop sales). The CID uses the revenues from the sales tax to reimburse the Developer for certain eligible redevelopment costs.

The CID is governed by a five-member board of directors appointed by the mayor with the consent of the Board of Aldermen. Only registered voters residing within the CID and the authorized representatives of property owners within the CID may be appointed to the Board of Directors. In this case, the Developer is the sole property owner within the CID.

The CID is requesting that Jennifer Metz, Taylor Umscheid, and Andrew Hargis be reappointed for four year terms to expire March 14, 2026.

Alderman Berkowitz introduced Bill No. 6896, to approve the appointment of the Board of Directors of the 7730 Bonhomme Community Improvement District to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6896, first reading, an Ordinance of the City of Clayton, Missouri, Approving the Reappointment of Certain Board of Directors for the 7730 Bonhomme Community Improvement District by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Berkowitz that the Board give unanimous consent to consideration for adoption of Bill No. 6896 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6896, to approve the appointment of the Board of Directors of the 7730 Bonhomme Community Improvement District to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6896, second reading, an Ordinance of the City of Clayton, Missouri, Approving the Reappointment of Certain Board of Directors for the 7730 Bonhomme Community Improvement District by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6755 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH CORRECTIVE ASPHALT MATERIALS, LLC FOR THE FY2022 ASPHALT REJUVENATION PROJECT

City Manager Gipson reported that the Public Works Department is requesting approval of a construction contract for the FY2022 Asphalt Rejuvenation Project with Corrective Asphalt Materials, LLC. This project includes the application of maltene-based asphalt rejuvenator on the roads in the Hillcrest, Wydown Forest, and Moorlands neighborhoods, as well as Maryland Avenue and Brentwood Boulevard. Work is expected to take place over 2-3 weeks in the late spring or early summer of 2022.

Matt Malick was in attendance to answer questions.

Alderman Berkowitz introduced Bill No. 6897, to approve a contract with Corrective Asphalt Materials, LLC for the Asphalt rejuvenation project to be read for the first time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6897, first reading, Approving a Contract with Corrective Asphalt Materials, LLC for the FY2022 Asphalt Rejuvenation Project by title only.

The motion passed unanimously on a voice vote.

Alderman Lintz moves that the Board give unanimous consent to consideration for adoption of Bill No. 6897 on the day of its introduction. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

Alderman Berkowitz introduced Bill No. 6897, to approve a contract with Corrective Asphalt Materials, LLC for the Asphalt rejuvenation project to be read for the second time by title only. Alderman McAndrew seconded.

City Attorney O’Keefe reads Bill No. 6897, second reading, Approving a Contract with Corrective Asphalt Materials, LLC for the FY2022 Asphalt Rejuvenation Project by title only.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor

Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6756 of the City of Clayton.

OTHER

Alderman Berkowitz reported on the following:

- Plan Commission/ARB

Alderman McAndrew reported on the following:

- Parks & Recreation Commission
 - Master Plan process
 - Ice rink demolition delayed

Alderman Buse reported on the following:

- Parks & Recreation Commission – good communications; Commission members supportive
- Clayton Equity Committee meeting – County representative attended the meeting and acknowledged receipt of City letter regarding the removal of monument sign.

Alderman Patel provided an update on the following:

- Washington University event featuring the Honorable Sonia Sotomayor.
- Art project of asphalt paintings by STL Artworks in St. Louis City that creates “traffic calming”

Alderman Feder provided an update on the following:

- Barclay house meeting
- He along with Alex Elmestad, Toni Siering, and Patty DeForrest met with Bob Chapman regarding options for the fountain. CCF would like to have a sculpture designed to install during the winter months.
- Toured the new facilities at Kohl Rinah which includes an early childhood center in honor of the late Monica Neidorff

Mayor Harris provided an update on the following:

- Washington University event featuring the Honorable Sonia Sotomayor.

City Manager Gipson announced that the April 15, 2022, BOA Strategic Discussion Session has been cancelled.

Motion made by Alderman Feder that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(9)(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Patel seconded.

The motion passed on a roll call vote: Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye.

The meeting adjourned at 7:38 p.m.

Mayor

ATTEST:

City Clerk